

Applicants : Peter D. Kwong et al.
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errors and misunderstandings in the communication of instructions from client-assignee to attorney. Dr. Weinberger did not know or believe that her instruction not to enter the national stage would be understood and implemented by Mr. White as an instruction not to take a step necessary to prevent abandonment in the U.S. Mr. White did not know or believe that Dr. Weinberger was not instructing him to abandon the U.S. application, because the terms of her instruction were such as meant, to him, not to enter the national stage anywhere, including the U.S.; and he accordingly implemented the client's instructions communicated to him, as he understood those instructions.

14. Mr. White's letter of May 9, 2000, to Dr. Weinberger, confirming Dr. Weinberger's instructions as understood by him (including nonentry into the U.S. national stage), failed to result in timely correction of the inadvertent error because Dr. Weinberger inadvertently failed to note the mention therein of the United States, or to realize that "national stage" included the United States. Only when she subsequently reviewed the May 9 letter, on or about May 22, did Dr. Weinberger realize her mistake; and at that time she took prompt steps to correct it, communicating by telephone and (on May 23, 2000) by facsimile message to Mr. White her intent, and Columbia University's instruction, that the application not be abandoned in the United States.

In view of the foregoing, applicants earnestly solicit an